

REMARKS

The Official Action mailed May 13, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes the *partial* consideration of the Information Disclosure Statement filed on June 7, 2006. Specifically, it appears that the Examiner inadvertently overlooked the citation of the "International Search Report for PCT/JP2004/018541." As a courtesy to the Examiner, the Applicant has attached a copy of the partially considered Form PTO-1449 and highlighted the apparently overlooked citation. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the above-referenced International Search Report.

A further Information Disclosure Statement was submitted on September 21, 2006 (received by OIPE September 25, 2006), and consideration of this Information Disclosure Statement is respectfully requested. As a courtesy to the Examiner, the Applicant resubmits herewith a copy of the above-referenced Information Disclosure Statement.

A further Information Disclosure Statement was submitted on July 31, 2008 (received by OIPE August 4, 2008), and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-3 are pending in the present application, of which claims 1 and 2 are independent. Claims 1-3 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1 and 3/1 as anticipated by U.S. Patent No. 5,239,678 to Grube. Paragraph 4 of the Official Action rejects claims 2 and 2/3 as anticipated by U.S. Patent No. 6,240,298 to Hayata. The Applicant respectfully

submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1 and 2 have been amended to recite when a control channel is used as a telephone communication channel, inserting information indicating a usage state of the control channel and a usage state of neighboring channels in an overlapped manner into information transmitted via a downlink communication of the control channel to perform a control channel usage state notifying processing, which is supported in the present specification, for example, by page 9, lines 4-18, and the sequence diagram shown in Figure 4. For example, the present specification discloses the following at page 9, lines 4-18:

When channel f1 which has been used as a control channel until then, is used as a telephone communication channel, the trunk control apparatus 20-1 inserts in an overlapped manner into information transmitted via the downlink communication of channel f1, information indicating the usage state of channel fn acting as a control channel and the usage state of neighboring channels, and thereby notifies the information to the wireless unit currently making a telephone call. When such usage state notifying processing is performed, the wireless unit which has been using channel f1 can perform quick switching to another channel. An outline of the usage state notifying processing will be described with reference to Figures 2 to 4.

Also, dependent claim 3 has been amended to recite that a control channel usage state notifying processing is performed for a wireless unit which is scanning a control signal, thereby not causing a useless scanning by the wireless unit. These features are supported in the present specification, for example, by the following disclosures in the present specification: "[a]ccordingly, the wireless unit will frequently perform scanning operation, thus increasing current consumption," (at page 1, lines 28-30) and "[w]hen such usage state notifying processing is performed, the wireless unit

which has been using channel f1 can perform quick switching to another channel" (page 9, lines 13-16).

The Applicant respectfully submits that Grube or Hayata does not teach the above-referenced features of the present invention, either explicitly or inherently.

As clearly recited in amended claim 1, the present invention is directed to a "control method for a trunking system performing exchange between a wireless unit and the other communication party by means of control signal communication with the wireless unit by use of a control channel, and thereby allowing communication signal communication using a selected telephone communication channel between the wireless unit and the other communication party." The method of the present invention is unique in having the following series of steps:

- (i) when all the telephone communication channels are busy when a new request for the telephone communication channel comes from the wireless unit, performing a telephone communication channel making processing for using the control channel as a telephone communication channel;

- (ii) when the control channel is used as a telephone communication channel, inserting information indicating a usage state of the control channel and a usage state of neighboring channels in an overlapped manner into information transmitted via the downlink communication of the control channel to perform a control channel usage state notifying processing; and

- (iii) when any of the busy telephone communication channels is released when the control channel is used as a telephone communication channel, performing a control channel shifting processing for setting the released telephone communication channel as a new control channel, and by using all channels, notifying a plurality of the wireless units that the released telephone communication channel currently acts as a new control channel.

The present invention, according to the method of the present claims, brings technical advantages. Specifically, "a control channel usage state notifying processing"

is performed so as to notify a wireless unit. The wireless unit waits for a control signal in a control channel without having information that the control channel has been set as a telephone communication channel. The wireless unit is notified that a state where there is not temporarily any control channel occurs, thereby allowing a useless scanning to be stopped. Therefore, it is possible to reduce electric power consumption. Also, in such a case, since the wireless unit is notified of the shift of the control channel, it is possible to avoid an excess scanning; therefore, further reduction of electric power consumption is achieved. (See, for example, page 2, line 9; page 4, line 25; page 5, line 9; page 11, line 14; page 13, lines 13 and 20.)

The Applicant respectfully submits that Grube or Hayata does not teach the above-referenced features of the amended independent claims, either explicitly or inherently.

Since Grube or Hayata does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789